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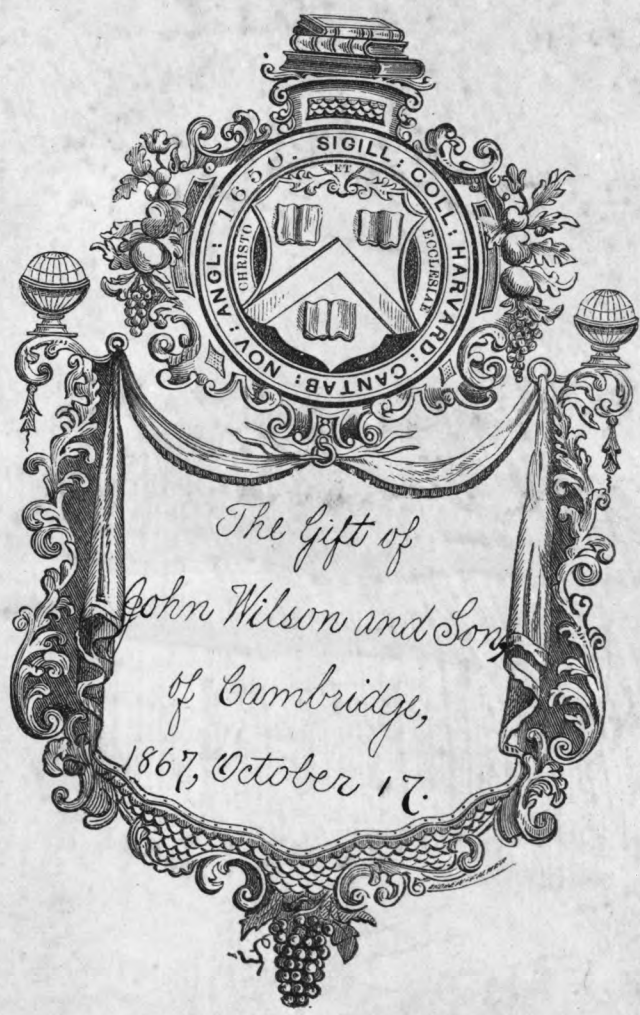
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COLCHESTER CHURCH TRUSTS.

9

Gifts and Grants

FROM

DAVID SEARS, OF BOSTON, U.S.A.,

TO

**THE REV. VICAR AND CHURCH-WARDENS OF
ST. PETER'S CHURCH, COLCHESTER,
AND THEIR SUCCESSORS.**

Under the Patronage and Sanction of the Lords Bishops of Rochester,

ACTING AS A BOARD OF CONTROL.

London, Paternoster Row :

UNION PRESS.

1863.

~~Bm 5172.54.4.3~~

Br 5172.52.4.3

1867. Oct. 17.

Gift of
John Wilson & Son,
of Cambridge.

P R E F A C E.

THE novelty of a gift and trust from an American gentleman to an English house of worship, — a part of the Established Church, — and to operate through it as a charity to the people of England, is such an unusual occurrence, and exhibits so full a reliance on the faith and truthfulness of the Church of England, that the publishers have ventured to give to the public the details in a printed form.

It is refreshing to see the fidelity with which the descendants of old English families in the United States still hold in honor their ancestry of the fatherland. It shows a right spirit on their part, which should be sedulously cultivated on ours; so that while they claim the privilege of participation in the glories of England's celebrities, — her warriors, poets, orators, and literature, — we also may assert a similar claim to the heroes and distinguished men of their

noble country, sprung from our loins, and whose soil, in its settlement, was a part of our empire.

It would be a novel and gracious act in either party, if this brotherly feeling were to be recognized and established under some legal honorary form.

The documentary papers are on file with the Trustees ; a short history of the Sears's is recorded in the Church-books ; and the correspondence has been gathered from the parties, and may be relied on as correct.

CORRESPONDENCE, &c.

CORRESPONDENCE.

ST. PETER'S VICARAGE,
Colchester, England, Oct. 27, 1852.

MY DEAR SIR, — I have long felt a desire to write to you ; but the illness and subsequent death of Mrs. Carr's venerable father have seemed to prevent me. You will have received through Mr. Somerby the formal thanks of the Vicar, Church-wardens, and Parishioners of St. Peter's for the splendid flagon and paten which you so generously gave us for our sacramental services ; and I would beg leave now to return my own individual acknowledgments for this most beautiful gift.

I confess I had desired that the money might be appropriated to a school to be called after your name ; but, by devoting it to sacramental plate, you have insured our remembrance of you in those most solemn seasons, when the communion of the saints is especially realized, and when the dead and the distant are brought nearest to us.

I hope that those who unite with us on these sacred occasions will, in their *oraisons*, bear you on their

breath. It is a happy circumstance, that, though separated by a wide ocean, we may still meet in spirit before the mercy-seat of the Hearer of Prayer.

Permit me to take this opportunity to express my gratification at the thought of your desiring to strengthen the tie which still binds you to your fatherland. Be assured, my dear sir, this feeling is reciprocal. In many things the child far outstrips the parent; and, judging of the feelings of others from my own, I may venture to say, that, far from envying, we glory in the honor and prosperity which mark the progress of our descendants, whose triumphs and success are, in a measure, our own.

It would afford me sincere pleasure, should you revisit England, to be permitted to offer you such hospitality as my humble vicarage can afford. In the mean time, be assured, my dear sir, that I shall ever think of you with grateful esteem and regard, and that I have the honor to be,

Your sincerely obliged and faithful servant,

SAMUEL CARR.*

The Honorable DAVID SEARS, &c.

COLCHESTER, April 12, 1862.

DEAR SIR,—As one of the trustees under your deed of gift to St. Peter's Church in this town, I have had the pleasure on previous occasions of corresponding both with yourself and Mr. Somerby. I now

* The Rev. Vicar died in 1854, and was succeeded by the Rev. Henry Caddell in 1855.

write at the request of our Vicar, the Rev. H. Caddell, on the subject of that endowment.

We have hitherto kept all the documents connected with the subject with our other parish memorials; but it seems desirable that some permanent record should be kept of the origin and history of the Fund, in a book in which the accounts of the Fund can also be entered.

Mr. Caddell has lent me the copy of "The Olden Time," which you presented to him; and I have gathered other details from "Morent's History of Essex," and "Burke's Visitation," the result of which is a short sketch with which I propose to commence the book. My object in now writing to you is simply to ask you to look through what I have written, and what I send by this post, and kindly to correct any inaccuracies, or to make any suggestions on the subject that you may think proper.

One slight discrepancy I have found between "The Olden Time" and "Burke;" viz., as to the year in which John Bouchier Sayers (the elder) was born. Burke gives 1538,—two years before the death of his father at Amsterdam. But from pages 87 and 131 of "The Olden Time," it would appear that he was seven years old when his father died. Possibly you can explain this discrepancy, and let me know which statement is correct.

Should you or any of your family visit the old country during the International Exhibition, it would

give us much pleasure to see you at Colchester, and to point out the memorials, old and new, of your family. I am, dear sir,

Yours very faithfully,

EDWARD BÉNHAM.

EDWARD BENHAM, Esq. RED CROSS, Newport, R.I., Aug. 1, 1862.

DEAR SIR, — Your favor dated April 12 ultimo, together with the interesting sketch of the Sears family, &c., was not received until yesterday. It is difficult to conjecture where they can have remained so long, and yet reached me at last.

It gives me great pleasure to find that the trustees of the "Sears Family Fund" of St. Peter's Church in Colchester, feel so much interested in its careful management, and are desirous, at this early date of it, to adjust its records and accountability in such form as will keep its balance-sheet and entries clear and plain, and easy to be understood for all time hereafter.

The record-book which you propose to open for the accounts of the fund, its receipts and appropriations, with a narrative of its origin and design written by yourself, I highly approve of; and I venture to suggest, that a record of the deed of gift of the fund, and the supplement also, when received, should be added to it for convenience and easy reference.

In regard to any questions of dates in the genealogy of the family, I fear that little dependence can be placed on the accuracy of those of past ages, col-

lected principally from parish records, or the fly-leaves of family bibles. The Rev. Edmund H. Sears, S.H.S., &c., the author of "Olden Times," labored hard to obtain them, and was for a long time on the search, examining the family records, and the town and county records on the Pilgrim Cape, for the purpose, but with incomplete success; and, with all his care, he is sometimes in error, particularly in reference to the dates of the births and decease of his English ancestry. In reply to your inquiry of the birth of John Bouchier Sears, I., which Burke gives in 1538, and Sears gives from family papers in 1528, and says that another date has it in 1535, I am inclined to the opinion that 1528 is correct, as it was taken from memoranda found among my grandfather's papers. To show how easily mistakes of date are made, there is an error in your brief but excellent minutes of the family; for you say John B. Sears, II., died in Holland in 1692; it should have been 1629, — evidently a slip of the pen. I thank you for the statement you give me of the finances of the fund, and its present amount of capital, £107.13.10 sterling, in three per cent consols, standing in the name of the trustees in the books of the Bank of England; the accumulated interest, not yet invested, being £22.11.6 sterling. On the subject of investments, please see the deed of trust.

The original deed of trust is filed among the official papers of his Lordship, the late Right Rev. Bishop of Rochester, and is recorded by the registrar, in the

books of the Diocese ; a duplicate is in the hands of the Rev. Vicar of St. Peter's Church in Colchester ; and another is on deposit with Messrs. Baring Brothers & Co., London.

I propose, on my return to Boston, in September, where I can examine the papers of the trust, to send you a supplementary deed, enlarging the authority of the trustees, together with a sum sufficient to increase the "Sears Family Fund" to £150 sterling, and ask your acceptance of it.

With great respect, your humble servant,

DAVID SEARS.

BOSTON, Sept. 26, 1862.

EDWARD BENHAM, Esq.,

Church-warden of St. Peter's Church, Colchester.

DEAR SIR,—Mr. Russell Sturgis, of London, will forward to you the supplementary deed of trust to the trustees of the "Sears Family Fund," mentioned in my letter to you, dated from my country-seat at Newport, Aug. 1, 1862 ; and you will find enclosed with it my bill of exchange on Messrs. Baring Brothers & Co., at sight for £36.18.11 sterling, being the balance of my standing account, to be added to said fund.

I hope this additional trust will be acceptable to the Rev. Vicar of St. Peter's and his Church-wardens. It greatly enlarges the powers, and adds to the usefulness, of the fund. Its ultimate purposes are identically the same with a trust I have already given to the over-

seers of the poor of the city of Boston, and which now gives annual aid to about fifty old and helpless persons, "who have seen better days." In the course of time the "Sears Family Fund" will be able to do the same. Your obedient humble servant,

DAVID SEARS.

ST. PETER'S VICARAGE,
Colchester, Oct. 17, 1862.

DEAR SIR, — We, the undersigned, beg to acknowledge the receipt of your kind gift of thirty-six pounds eighteen shillings and eleven pence, together with the supplementary Deed of Trust. For both these, we desire to express our grateful thanks in behalf of St. Peter's Parish; and we remain, with renewed thanks,

Very faithfully yours,

HENRY CADDELL, *Vicar of St. Peter's.*

GEORGE KNIGHT.

EDWARD BENHAM.

DAVID SEARS, Esq.

THE PRECINCT, Rochester, Oct. 20, 1862.

GENTLEMEN, — By direction of the Lord Bishop of Rochester, we beg to inform you that Mr. David Sears's letter dated September last, with a declaration signed by him, and dated on the eighth day of that month, have been received, and deposited in the Consistorial Court of Rochester. We are,

Gentlemen, your obedient servants,

(Signed) ESSELL, KNIGHT, & ARNOLD.

Messrs. BARING BROTHERS & Co.

LONDON, Oct. 23, 1862.

MY DEAR MR. SEARS, — I had much pleasure in attending to the wishes expressed in your letter of Sept. 26, and have received from the Vicar of St. Peter's an acknowledgment, as well as from the Bishop of Rochester, of the packets sent them.

We have also a more formal document, copy of which I enclose; and I may mention that your cheque on us, though in figures £36.18.11, and so paid by us, was in writing *thirty* pounds 18.11. I do not find any record with us of the triplicate you refer to as being lodged with us in 1855. I am yours very truly,

RUSSELL STURGIS.

8, BISHOPSGATE STREET WITHIN,
London, E.C., Feb. 6, 1863.

MY DEAR MR. SEARS, — Your favor of 15th January, came safely to hand, with its enclosure; and, taking advantage of the light you give me, I have referred to our files of vouchers, as designated by you.

Attached to your order of March 21, 1854, for £100, are the signatures of the following persons: Samuel Carr, Vicar of St. Peter's, Colchester, George Knight, Church-warden, Edward Benham, &c., in testimony of their having accepted a certain trust.

This paper I have taken from our files; and it now appears, with the paper just received of the supplementary deed you sent a short time ago, say three in all, in our "Register" of Contents of Safes, under the following No. — C 2093, by reference to which, these three papers can, at any time, be produced.

I heard with much sincere sorrow of the decease of your lovely and beloved daughter, Mad. d' Hauteville ; and I would offer you and your family my most sincere expressions of sympathy.

My regards to my friend William Amory and wife.

I am, dear sir, yours truly,

RUSSELL STURGIS.

BOSTON, Nov. 20, 1862.

REV. AND DEAR SIR, — Your favor of the 17th of October last, acknowledging the receipt of £36.18.11 sterling for the use of the Sears Family Fund, and the acceptance of the supplementary deed of trust by the trustees over the signatures of yourself, and Messrs. Knight, and Benham, was duly received. An excellent letter from Mr. Benham, dated 22d of October last, came to hand at the same time. I feel much obliged to Mr. Benham for the kind interest he has always shown in the above fund, and particularly for the very unexpected fact which he communicated in the above-named letter. He says, "I think it right to mention that neither Mr. Knight nor myself are now Church-wardens of St. Peter's, though we are still your trustees, and shall be happy to continue to fulfil that office as long as you please. The law recognizes no *corporate* trusteeship: we cannot, therefore, pass our office on to our successors." It is different in this country when the Wardens and Vestry of the Protestant Episcopal Church, and the proprietors of churches of all denominations, are made bodies cor-

porate, and capable of taking and holding, under certain conditions, gifts, grants, and bequests. My impression was, that the Church of England and its subordinate establishments had the same rights of taking and holding. With us no form of appointment is necessary to the succession; but the terms, "*Wardens and Vestry, and their successors,*" carry the trust, whoever may be the individual members of that body, or however frequently they may have been changed.

To meet the case presented to me by Mr. Benham, fortunately the trust itself provides a remedy, as you will see in my appointment of additional trustees in the papers herewith enclosed. My wish is, that you would do me the favor, and with the advice of your co-trustees, fill in the blanks of the appointments; selecting those persons who will be most agreeable to you, and invite them into the trust. I prefer that the number of the trustees should be *five*, instead of *three*, to avoid the embarrassment which might be occasioned hereafter, in the event of a long minority, or from a lapse of trustees, either by resignation or death, or from whatever cause; but in all such cases our Judges of Probate have authority to appoint trustees to carry on the purposes of the trust. Is there no such power given to any court in England?

Very respectfully, Reverend Sir,

Your humble servant,

DAVID SEARS.

REV. HENRY CADDELL, Vicar of St. Peter's, Colchester.

SAINT PETER'S CHURCH,

COLCHESTER, ENGLAND.

DEED OF TRUST

TO THE

REVEREND VICAR AND CHURCH-WARDENS OF
SAINT PETER'S CHURCH.

K NOW all men by these presents, that I, DAVID SEARS, of Boston, in the County of Suffolk, and Commonwealth of Massachusetts, in New England, North America, from my respect to the memory of the British Ancestry of the Seares, and in consideration of the honor done to their descendants by the Reverend Vicar, and the Church-wardens of St. Peter's Church in the Town of Colchester, in the Kingdom of Great Britain, in authorizing the erection of a Brass Tablet in said church bearing record of said name from the first settlement of Plymouth Colony to the decease of David Sears in Boston in 1816, and also and especially in consideration of said Vicar and Church-wardens, assenting to, and agreeing, and undertaking to perform the several conditions, and execute the several trusts hereinafter mentioned and recited, do hereby give and pay over to

said Vicar and Church-wardens the sum of one hundred pounds sterling, by the hands of Messrs. Baring Brothers & Co. of London, which said Vicar and Church-wardens do hereby acknowledge to have received, and do make and constitute and appoint said Vicar and Church-wardens of Saint Peter's Church in Colchester, in England, and their successors, my trustees in the establishment and management of a Trust Fund for the objects and upon the conditions hereinafter written. That is to say, To Have and to Hold the same to the said Vicar and Church-wardens, and their successors, in trust, for the following uses and purposes. In the first place, the said Trustees will immediately invest said one hundred pounds sterling in some funded or public stock, or in mortgage of productive real estate, or in notes with bonds, and undoubted collateral security, or in real estate or in such other manner as shall guarantee said Trustees from loss, and the same with its income and accumulations again so invest and keep invested, to establish and constitute a permanent fund under the name and style of "The Sears Family Fund." And the annual income of said fund is to be added to the principal annually between the months of January and July to form a new capital of said fund, and, when invested, is not afterwards to be used or expended. But, in any year before the annual income is so invested, the parties who have the right, may demand and shall receive their part of said past year's income, to be expended in such objects as to them may be most

desirable, and in such years, that half only of said income, not demanded, shall be funded.

And it is hereby declared by the Donor to be his intention in establishing said trust, that the said Vicar and Church-wardens of said St. Peter's Church in Colchester, and their successors, shall be one party, and David Sears, the only child of that David Sears and Ann Winthrop whose names stand recorded on a brass tablet in said St. Peter's Church, and his issue, shall be the other party to the benefits of said fund. And the said Vicar and Church-wardens of said St. Peter's Church, and their successors, are hereby authorized and empowered to receive and expend the one half part of said annual income of said fund, less one half of one per cent thereof which is to be paid over to the Mayor and Aldermen of the above-named town of Colchester, and their successors in the municipal government thereof, after their acceptance and exercise of the duties by these presents assigned to them, on their discretion, in such objects of utility, benevolence, or expediency, as they in their good judgment may see fit; always making an annual record thereof. Provided always, and they are entitled to one half of said income, as above, on this condition, that the above-named Trustees, and their successors, pay over the other half part of said income to the above-described David Sears, and his issue, who may demand the same, and giving the preference, if there should be more than one demandant, to him who shall be the nearest lineal male descendant

of the above-named David Sears, as ascertained and determined according to the laws of descent now established in England. And if there be no demandant, then to invest said half part of said income to increase and accumulate the above-named fund according to their trust.

And in order to create a proper accountability for the Trustees, and for the security of said fund, I do hereby constitute and appoint the Right Worshipful the Mayor and Aldermen of the before-named town of Colchester, and their successors in the municipal Government of said town, a Board of Control over said fund and trust, to whom my said trustees shall make an annual report of their doings, and of the state and condition of said fund, and its investments, and who shall have power to inspect the books of accounts of said trustees, and in case of mismanagement, mal-practice, or neglect, to suspend said trustees from the exercise of their trust, and under legal action to take possession of the property of said trust, and temporarily exercise the duties of trustees; and in such case, and also whenever circumstances shall render the same necessary or expedient, shall report their doings to the absent party, — the beneficiaries, at the time being, of the fund, in America; and thereupon the eldest lineal male-demandant of the reserved half of the income of said Sears Family Fund shall have full power and authority to appoint other trustees, and do the needful in the premises.

And the said Right Worshipful, the Mayor and

Aldermen of said town of Colchester, and their successors, after the acceptance of their appointment, and on each subsequent annual examination, shall be entitled to receive the one half of one per cent on that part of the income of said fund, which is reserved for them from the half given to the Reverend Vicar and the Church-wardens of said St. Peter's Church, as a compensation for the performance of their duties as a Board of Control.

But for the present, and until as hereinafter declared, the donor of the foregoing endowment and trust authorizes and respectfully requests his Lordship the Lord Bishop of Rochester, and his priestly successors in the Diocese, each in his gracious pleasure annually to examine and audit the accounts and investments of said "Sears Family Fund," and from time to time to advise and instruct the Reverend Vicar and Church-wardens of said St. Peter's Church in the right discharge of their trust and duties.

Also to act, without personal responsibility, during their Lordships' will and pleasure, as a Board of Control, independently of, but with the same powers hereinbefore granted to the above-named Mayor and Aldermen of the town of Colchester,—it being understood that whenever said Mayor and Aldermen shall make a written application to assume the duties of said Board, under a special vote of authority for the purpose, then his Lordship, the Lord Bishop of Rochester at the time being, is to surrender said last

charge; provided, in his said Lordship's opinion, there be found no sufficient objection to the same.

And if at any time hereafter it should happen, from any cause whatever, that the income of said fund cannot be paid over, or that any of said parties should be prevented or prohibited, or in any way debarred from their several rights, or if any of said parties, as they become entitled to any part of said income from said fund, should not receive the same within one year after demand thereof, then, in each or either of said cases, the property herein given, and the fund hereby established and referred to, together with all the property of every sort and description which said fund now has, or may hereafter become possessed of, shall thereupon be immediately forfeited to, revert to, and be re-invested in said David Sears and his heirs for ever; and his eldest lineal male-demandant shall have full power to act in the premises, to recover and take possession of the property.

In testimony whereof, I, the said David Sears, have executed this deed in triplicate, and have hereunto set my hand and seal, this 22nd day of December, in the year of our Lord one thousand eight hundred and fifty-three.

DAVID SEARS. [SEAL.]

BOSTON, December 22, 1853.

Then personally appeared the above-named David Sears, and signed and sealed the foregoing grant to the Reverend Vicar and Church-wardens of St.

Peter's Church in Colchester in England, acknowledging said grant to be his free act and deed, and desired that the same as such might be recorded.

Before me,

BENJAMIN SEAVER, [L.S.]
Mayor of Boston.

Attest,

SAMUEL F. M'CLEARY, JUN.
City Clerk.

THE SEARS FAMILY FUND.

SUPPLEMENTARY DEED.

WHEREAS DAVID SEARS, of Boston, in the County of Suffolk, and Commonwealth of Massachusetts, in New England, North America, the only child of that David Sears and Ann. Winthrop whose names stand recorded on a brass tablet in St. Peter's Church in Colchester in England, did, by a certain instrument, a deed of trust to the Rev. Vicar and Church-wardens of said church, dated in Boston, above named, on the twenty-second day of December, in the year of our Lord one thousand eight hundred and fifty-three, give, grant, and pay over by the hands of Messrs. Baring Brothers & Co., of London, the sum of one hundred pounds sterling to said Rev. Vicar and Church-wardens, to create, establish, and increase a permanent fund called the "Sears Family Fund," for certain objects and purposes, and under certain conditions, obligations, divisions of income, and forfeiture contained in said deed, — reference thereto to be had. The original of said deed is filed among the official papers of the Right Reverend the Lords

Bishops of Colchester, and is recorded in the Books of the diocess. A duplicate is in the hands of the Rev. Vicar of said St. Peter's Church in Colchester, and a triplicate is on deposit with said Messrs. Baring Brothers & Co., London.

And whereas a written report of said fund from the Rev. H. Caddell, Vicar of St. Peters, and Messrs. Edward Benham and George Knight, Church-wardens, — the present trustees, — dated April 12, 1862, has been received, by which it appears that the present capital of the fund is £130.5.4 sterling, — one hundred and thirty pounds five shillings and four pence sterling, — the investment being in the three per cent consols, — standing in the names of said trustees in the Books of the Bank of England.

Now know all men by these presents, that I, the above-named David Sears, do hereby approve and confirm the doings and investments of my said trustees, and, in testimony thereof, do herewith enclose my bill of exchange at sight, on said Baring Brothers & Co., for £36.18.11 sterling, — thirty-six pounds eighteen shillings and eleven pence sterling, — in favor of my said trustees, to be invested and re-invested in good securities to form part and parcel of said fund, for its uses and purposes for ever.

And I do hereby give, transfer, and pay over said thirty-six pounds eighteen shillings and eleven pence sterling to the above-named Rev. Vicar of St. Peter's Church and Church-wardens, trustees of said Sears Family Fund, their successors, and assigns, to have and

to hold the same for the use and benefit of said fund for ever. And do ordain, and declare, and my said trustees, by receipt of said sum, do accept and recognize the following obligations and uses as part of the uses, terms, and conditions of their trust, and of equal force and effect with those contained in the original deed of trust; namely, —

“When hereafter it shall happen, from the permanent investments of the above-named “Sears Family Fund,” that an accumulated stock or capital is formed, which it is inconvenient, inexpedient, or unlawful for the Rev. Vicar and Church-wardens of the above-named St. Peter’s Church to hold, then my trustees, at the time being, may set apart therefrom, and they are hereby requested so to do, any aliquot portion thereof, not however to exceed one half, and assign and transfer the same, under the advice and sanction of legal counsel, to new trustees, — either distinguished individuals, or respectable corporations, capable of taking, to have and to hold the said portion so transferred, on the same terms, conditions, obligations, divisions of income, and forfeiture, with the original trust from which it is taken, so far as regards the Sears family; but with the right and privilege to use and expend the one half of the income of said portion, and its accumulations, in their discretion, on the following objects; namely, —

“In aid and for the support of primary or scientific schools for the instruction and education of children of meritorious citizens and others who have done the

State some service ; in aid and for the support of citizens and families who may have seen better days ; in aid and for the endowment of such literary or charitable, or other institutions as may be needed or desirable ; and, finally, for purposes of charity in all its forms, in such manner as may best tend to alleviate the sufferings of human life, and render the condition of the poor more comfortable," and so on, *toties quoties*, through all time, as often as the accumulations of the original fund, or of the funds growing out of the same, shall amount to a sum which it is inconvenient, inexpedient, or unlawful for the trustees thereof to hold, then a portion of said fund and funds, not to exceed one half, may be set apart therefrom, and given, and made over in trust to new corporations, or trustees, for the objects and purposes above named, and to constitute new capital stocks or funds in manner aforesaid. It being distinctly understood that all the new capital stocks or funds are to be held upon the same terms and conditions, so far as regards the Sears family, as the original fund from which they were taken.

In witness whereof, I, the said David Sears, the donor of the above-named "Sears Family Fund," have hereto set my hand and seal, this eighth day of September, in the year of our Lord, one thousand eight hundred and sixty-two.

DAVID SEARS.

Signed and sealed in presence of us :

ROBERT C. WINTHROP.

BENJ. R. WINTHROP.

County of Suffolk, ss. Boston, Sept. 26, 1862.
Then personally appeared the above-named David Sears, and acknowledged the foregoing instrument by him signed to be his free act and deed, and desired that the same as such might be recorded.

Before me,

C. U. COTTING,
Justice of the Peace.

BOSTON, Sept. 26, 1862.

GENTLEMEN,—In addition to the twenty pounds sterling mentioned in the foregoing trust, I add thereto, — subject to the same conditions and obligations, — the sum of sixteen pounds eighteen shillings and eleven pence sterling,—being the balance of my funds now in the hands of Messrs. Baring Brothers & Co., which please accept, and credit to the account of the “Sears Family Fund,” of which you are the present trustees.

Your humble servant,

DAVID SEARS.

The Rev. Vicar and Church-wardens of St. Peter's Church,
Colchester, England.

N. B.—The above deed, executed in triplicate, is to have the same destination, and be deposited with the same individuals as the original deeds therein mentioned.

DAVID SEARS.

APPOINTMENT OF ADDITIONAL TRUSTEES

TO THE

SEARS FAMILY FUND, NOW IN TRUST WITH THE REV.
VICAR AND CHURCH-WARDENS OF ST. PETER'S CHURCH
IN COLCHESTER IN ENGLAND, IN ACCORDANCE WITH
THE PROVISIONS OF THE TRUST.

K NOW all men by these presents, that whereas in the original deed of trust of the Sears Family Fund to the Rev. Vicar and Church-wardens of St. Peter's Church in Colchester, and their successors, it is declared, that the Board of Control established for said fund, or, in its stead, the Right Rev. the Lord Bishop of Rochester, "whenever circumstances shall render the same necessary or expedient, shall report their doings to the absent party, the beneficiaries, at the time being of the fund in America; and there-upon the eldest lineal male-demandant of the reserved half of the income of said Sears Family Fund shall have full power and authority to appoint other trustees, and do the needful in the premises." Now it being reported to me, the beneficiary above mentioned, that the laws of England "recognize no *corporate* trusteeship," and that therefore a case has arisen for the exercise of the authority reserved in said trust;

now know all men, that I, David Sears, of Boston, in the Commonwealth of Massachusetts, the beneficiary above described, and also the donor of said fund, have under said authority elected, chosen, and appointed, and by these presents do elect, chose, and appoint,

Church-warden of St.

Peter's Church, and

also

Church-warden of said church, true and lawful trustees of the above-named Sears Family Fund, in addition to and co-ordinate with the present trustees, and to have the same and equal powers to manage and execute the terms, conditions, and obligations of said trust, as the original trustees. It being understood that hereafter, on the resignation or decease of any one of the five gentlemen, now trustees of said trust, a written notice thereof shall be given by the remaining trustees to the beneficiaries in America, at the time being, the eldest lineal male-descendant then living, of David Sears, of Boston, addressed to the care of his Honor, the Mayor of the city of Boston, in Massachusetts; and the said descendant will thereupon select and appoint a new trustee or trustees to the said Sears Family Fund, to perpetuate the trust. In witness whereof, I, the above-named David Sears, the beneficiary of said trust, have hereunto set my hand and seal, this eighteenth day of November, in the year of our Lord 1862.

DAVID SEARS.

Signed and sealed in the presence of us :

CHARLES U. COTTING.

M. C. SEARS.

COUNTY OF SUFFOLK, ss.

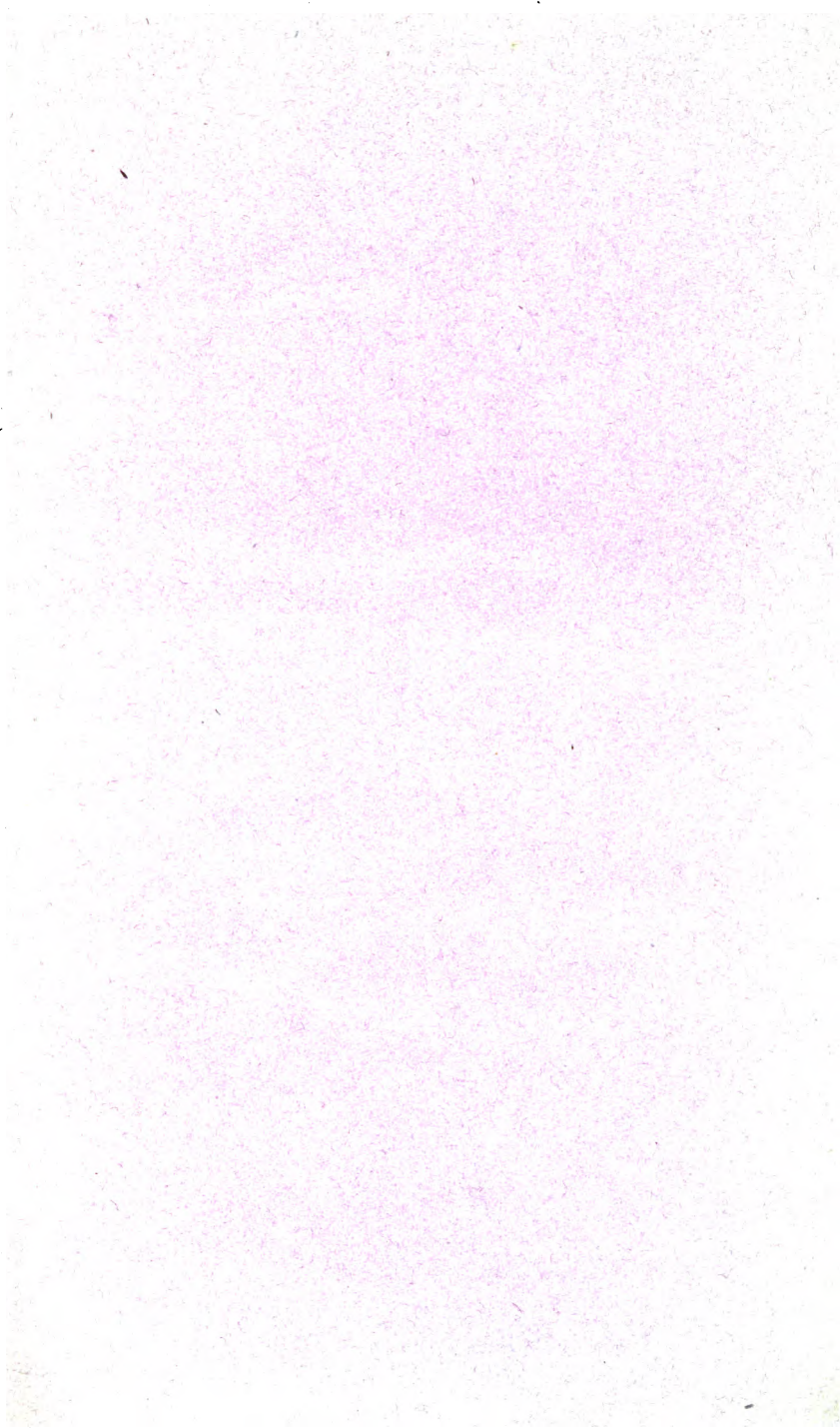
BOSTON, November 18, 1862.

Then personally appeared the above-named David Sears, and acknowledged the foregoing instrument by him signed to be his free act and deed, and desired that the same as such might be recorded.

Before me,

CHARLES U. COTTING,
Justice of the Peace.

APPENDIX.



Br 5172.52.4.3
Colchester church trusts.
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